



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/603,024 | 06/23/2003 | Chia-Lung Shu | 7257/69649 | 2596 |

7590 08/25/2005

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

| EXAMINER |
|----------|
|----------|

PEARSE, ADEPEJU OMOLOLA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1761

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,024

Applicant(s)

SHU, CHIA-LUNG

Examiner

Adepeju Pearse

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duensing et al 9U.S. Pat. No. 6,444,243) in view of Sherrill et al (U.S. Pat. No. 6,584,938), Sherrill (U.S. Pat. No. 5,673,653), Nishimori et al (U.S. Pat. No. 4,590,079) and Perlberg et al (U.S. Pat. No. 6,223,693). With regard to claim 1, Duensing et al disclose a process for producing a rawhide chew toy comprising combining marinade with rawhide (abstract, see fig. 1). However, Duensing failed to disclose preparing and processing the meat for the rawhide. Sherrill et al ('938) teach an animal chew toy formed from rawhide and jerky pieces, the jerky pieces are interspersed in the rawhide (Abstract). The jerky meat is processed with spices and/or marinade for flavoring (Col 5 lines 11-15) and the product is dried (Col 7, line 27). It would have been obvious to one of ordinary skill in the art to modify Duensing with Sherrill et al (6,584,938)

Art Unit: 1761

because coating the rawhide with jerky meat on the outside of the rawhide will encourage the animal to continue chewing due to the flavor and aroma of the chew toy (Abstract).

4. With regard to claim 2, Duensing et al failed to disclose the steps for forming the rawhide. However, Sherrill et al teach a chew toy formed from rawhide pieces (Abstract lines 6-8) by extrusion molding (Abstract line 14) into a preferred shape such as bone (Col 5, lines 24-25). It would have been obvious to one of ordinary skill in the art to modify Duensing et al with Sherrill et al because rawhide is safe and satisfies the inherent and instinctive need to chew in pets (Abstract).

5. With regard to claims 3 and 10, Duensing et al failed to disclose immersing meat in a treatment solution. However, Perlberg et al teach soaking rawhide in propylene glycol, sorbitol (Col 3 lines 15-19) to prevent the rawhide from undesirable rigidity (Col 2 lines 1-2), additionally enhancing nutritional supplements/drugs could be added (Col 3 lines 28-29), also soaking times range from 1hr to 24hrs depending on application (Col 3 lines 49-53) which is within the applicant's range. It would have been obvious to one of ordinary skill in the art to modify Duensing et al with Perlberg et al because soaking the meat /rawhide will prevent undesirable rigidity of the rawhide and also allow adding nutritional supplements/drugs for the pet.

6. With regard to claims 4 and 11, Duensing et al failed to disclose a composition for the treatment solution. However, Sherrill et al teach treating meat with a preservative (Col 6 lines 45-48), potassium sorbate is a well known preservative in the art. Perlberg et al teach softening rawhide by soaking in propylene glycol, sorbitol, etc (Col 2 lines 10-13). Vitamin C is a well-known anti-oxidant, sodium nitrite is a well-known color fixative in meat and polyphosphate is

Art Unit: 1761

also a well-known additive in meat as evidenced in Nishimori et al (U.S. Pat. No. 4,590,079, Col 3 lines 13-15, 35-39). The amount of each ingredient is an effect variable result based on experimentation. To modify Duensing et al with Sherrill et al, Perlberg and Nishimori et al and provide the meat with these conventional additives for their art recognized and applicant's intended function is seen to have been obvious.

7. With regard to claims 5 and 12, Duensing et al failed to disclose processing meat. However, Sherrill et al teach using jerky pieces in rawhide (Abstract), adding flavor to meat/jerky using spices and/or marinade and drying the product (Col 5 line 22). Perlberg et al teach soaking rawhide in propylene glycol, sorbitol (Col 3 lines 15-19) to prevent the rawhide from undesirable rigidity (Col 2 lines 1-2), additionally enhancing nutritional supplements/drugs could be added (Col 3 lines 28-29). It would have been obvious to one of ordinary skill in the art to modify Duensing et al with Sherrill et al and Perlberg in preparing the meat because the solution will prevent undesirable rigidity of the rawhide and also allow adding nutritional supplements/drugs for the pet.

8. With regard to claims 6 and 13, Duensing failed to disclose directly spreading the processed meat on the surface of the rawhide. However, Sherrill (5,673,653) teaches a chew toy having a sheet member of rawhide and a sheet member consisting of jerky. The rawhide and jerky sheets are placed in a superimposed position (Col 5 lines 30-37). It would have been obvious to one of ordinary skill in the art to modify Duensing et al with Sherrill ('653) because having the jerky meat placed on the rawhide will make the chew toy more attractive to the dog from an odor and taste standpoint (Col 4 lines 20-24).

Art Unit: 1761

9. With regard to claims 7 and 14, Duensing et al failed to disclose forming the chew toy by extrusion molding. However, Sherrill et al teach forming the chew toy by extrusion molding (Abstract line 13-14). It would have been obvious to one of ordinary skill in the art to modify Duensing et al with Sherrill et al ('938) to obtain a similar bone shaped rawhide chew.

10. With regard to claims 8-9 and 15, Duensing discloses drying rawhide in an oven until a moisture level below 12% is achieved to prevent rotting, mold, or spoilage (col 2 lines 31-35). However, Duensing et al failed to disclose the three phases of drying. It would have been obvious to expect that any of the phases recited by the applicant in the claim would be a conventional manner of drying and the ultimate goal is to prevent mold, rot or spoilage of the rawhide.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adepeju Pearse whose telephone number is 571-272-8560. The examiner can normally be reached on Monday through Friday, 8.00am - 4.30pm.

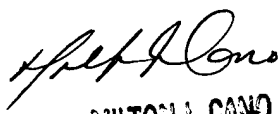
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peju Pearse
Art Unit 1761



MILTON J. CANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700